IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WA.No. 1640 of 2007(D)

(AGAINST THE JUDGEMENT IN WPC.31727/2005 Dated 18/01/2006)

APPELLANT/PETITIONER

BINDU UNNIKRISHNAN,KOCHALAKKAL HOUSE,
ETTUMANNUR,KOTTAYAM DISTRICT.

BY ADV. SRI.SANTHAN V.NAIR
ADV. SRI.V.GOPIKRISHNA
ADV. SMT.K.J.JISMA

RESPONDENTS/RESPONDENTS:
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1. THE GENERAL MANAGER, BHARATH SANCHAR NIGAM LIMITED,
OFFICE OF THE PRINCIPAL GENERAL MANAGER TELECOM, BSNL,
PULICKAN'S COMPLEX, NAGAMBADOM,KOTTAYAM.

2. THE ACCOUNTS OFFICER (OSP), BHARATH SANCHAR NIGAM LIMITED
OFFICE OF THE GENERAL MANAGER, MOBILE SERVICES, LUKES LANE,
PULIMOODU, TRIVANDRUM-695 001.

3. THE CHIEF ACCOUNTS OFFICER (TROSP)
O/O/PRINCIPAL GENERAL MANGER TELECOM, BSNL, PULICKAN'S
COMPLEX, NAGAMBADOM, KOTTAYAM.

4. THE DEPUTY TAHASILDAR (R.R) KOTTAYAM.

5. THE VILLAGE OFFICER, ETTUMANOOR VILLAGE
KOTTAYAM TALUK.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL
R4 AND R5 BY SPECIAL GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1640 OF 2007

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Dated this the 9th August, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This Writ Appeal arises out of the order passed by the learned single Judge in W.P.(C) No. 31727 of 2005 dated 18.01.2006.

2. The appellant/petitioner in this Writ Appeal pleads her financial inability to comply with the orders and directions issued by this Court. Therefore she/appellant is requesting us to grant her the facility of easy instalments to pay off the entire arrears due to the respondents. An affidavit in this regard is also filed by the appellant.

3. Paragraph '4' of the affidavit reads as under:

> *"This appellant is ready to pay the balance amount in monthly instalments of Rs.5000/- each till the whole liability is discharged. This appellant hereby undertakes to pay the instalment without any break".*

4. Taking into consideration the financial inability pleaded by the appellant/petitioner, in our opinion, if we modify the orders passed by the learned single Judge and grant some relief to the appellant/petitioner, no injustice would be caused to the respondents. Accordingly, the following:

O R D E R

i) Writ Appeal is disposed of.

ii) The appellant/petitioner will now pay, monthly instalment of Rs.5,000/- (Rupees five thousand only) each, till the entire liability is discharged.

iii) If for any reason, the appellant/petitioner commits any default in payment of the monthly instalment, as ordered by this court, the respondents are at liberty to initiate such proceedings to recover the entire amount due from the appellant/petitioner.

iv) With these observations and directions, the Writ Appeal is disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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